

Evelyn Johnson - Petitioner v United States of America
MOTION TO ACQUITT CASE# 18-CR-30031-NJR

For all intent and purpose - 18 USC § 3616 is a pre-trial charge/offense in a misdemeanor case - a minor Criminal case according to the American Court Structure and Rule 58-FRCP; Limiting ILI. trial Courts to hear civil cases with limited monetary amounts and minor (misdemeanor) criminal case/offense.

18 USC 3021 and Rule 58 FRCP, 3(A) -- limit the magistrates to take a plea only if a defendant consents in writing or on record to be tried by a Magistrate (Federal, U.S., Chief) judge.

This was malicious prosecution because the Court and the government knew these charges are false. The ~~the~~ defendant's person is ~~being~~ being held - arrested without probable cause - forcibly detained or kidnapped if you will, because this Court does not have jurisdiction to try this case a FELONY CRIMINAL case.

It is the courts job to decide questions of law; Pursuant to Rule 57 FRCP and Rule 47-FRAP; - Local Rules must be consistent with federal statutes and with acts of Congress - Rule 47 FRCP also say "if imposing a requirement - it must not cause a party to lose rights because of nonwillful failure to comply - .

The "Bail Reform Act" of 1984 and 18 USC 3146-3147 agree these charges are pretrial offenses.
18 USC 3142(b) unsecured appearance, in an amount specified by Court (\$150000) See "SENTENCING" transcript - Page 38, line 18-21 -- Violation the condition of release (not committ a federal state or local crime) is 2 years imprisonment and \$150000, fine, in agreement with 3146(b)(A)(iii)

The district Court attorney state "the defendant is bound by an appearance bond, even though it conflicts with Federal Statutes under Rule 57-FRCP and CRAP Rule 47(a)(2) - by imposing a 5yr term of imprisonment and a \$25000.00 fine, for a pretrial offense of failure to surrender, pursuant to Court order.

A Court order must be a written statement if a Judge is to sign it and the Clerk is to enter it. Per Rule 32(k)(1) FRCP. Also according to "BOP/CF of ~~APP~~ APPELLE in the parent case, page 187 line 14-15 - "The district court incorporated the proposed conditions by ~~refer~~ reference during her oral pronouncement - and written judgement do not conflict." Page 19 - line 3-4; "The written waiver is superior to just obtaining an oral waiver.

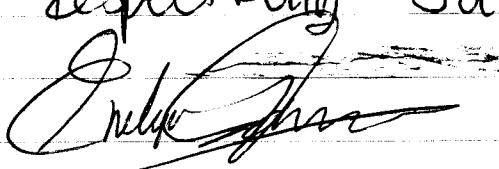
Defendant's person did not in fact sign an order judgement, final judgement, contract or anything else - agreeing to said terms. The district court

page 20 - Line 11 "SENTENCE TRANSCRIPT" - Ensured that the appellant signed the waiver of the reading - ; so how much more should I be required to sign a copy of the Conditions of Supervised release and Judgement. On Page 5 of the Commitment orders (parent case - document # 81) "U. S. Probation office use only" - A U. S. probation officer was to read and explain terms order by court and provide me with a complete copy of this Judgement. (11 pages).

Page 1 of Judgement - defendant sentenced to as provided in Pages 2 - 7 of this judgement.
NO fine - NO penalty for failure to Surrender,
NO copy was forwarded to the defendant for a signature to validate.

It is for these reasons the Court should Vacate this Conviction and release the defendants person with haste

Respectfully Submitted



January 1, 2019

CERTIFICATE OF SERVICE

This is to certify that I have served a true and correct copy of the following, MOTION TO ACQUIT" upon the following address by placing same in a sealed envelope bearing sufficient postage for the delivery via United States Mail Service, to: CLERK

United States District Court

750 Missouri Ave

East St Louis, IL 62201

For proper distribution to all parties of concern.

Which was ~~handed~~ handed to Clinton County Jail Officers at 810 Franklin Street, Carlyle, IL on this day Jan. 1, 2019.

~~All Rights Reserved~~

~~Zulu~~

Litigation is deemed filed at the time delivered to jail officers. SEE; Huston v Lack 101 L.Ed 2d 245 (1988)

Enclosed: 

Evelyn Johnson
810 Franklin Street
Carthage IL 62231



CLERK: United States District Court
150 Missouri Ave
East St Louis IL 62201
Inmate Mail
from Clinton County
Sheriff Department

62201-295429

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JAN - 4 2019

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS OFFICE

